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10/593,339	09/19/2006	Jacob Gil	2282/3	9944
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EXAMINER				
HUSSAIN, FARRUKH				
ART UNIT		PAPER NUMBER		
2444				
NOTIFICATION DATE		DELIVERY MODE		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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### Office Action Summary

**Application No.**

10/593,339

**Applicant(s)**

GIL, JACOB

**Examiner**

FARRUKH HUSSAIN

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2444

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 March 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 42-77 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 42-77 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-912)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This action is in regards to the response received on 03/10/2011. Claim 42 has been amended. Claims 42-77 are pending.

### ***Response to Arguments***

2. The Final Office Action mailed on 01/07/2011 is vacated and a new Non-Final Office Action is set forth herein since Applicant's arguments, see remarks, filed 03/10/2011, with respect to the rejection of claims 42-59 under 35 U.S.C. § 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Miner (US 7,653,702 B2). See below.

3. Applicant's arguments filed 03/10/2011 with respect to claims 42-77 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 42-77 are rejected under 35 U.S.C. 102(e) as being anticipated by Miner (US 7,653,702 B2).**

4. With respect to the claim 42, Miner reference teaches A method for retrieving information from a network-based information-provider comprising:

a) providing a network-enabled, data-capture device configured to retrieve information from a network having at least one information provider operative to provide search results to queries defined at least in part by electronic representations of real-world entities (*See column 3, lines 59-67 and see column 4, lines 1-7, a personal assistant device, and a contextual input device. In use, the contextual multimedia association module accesses the Internet (a network-enabled) and downloads web documents (retrieve information from a network) to a metadata repository... The user captures input data about an object or item of interest by means of the contextual input device.... The personal assistant device automatically digitizes (electronic representation) and processes the input data.... The contextual multimedia association applies the query to numerous data stores, optimizes the search results, and then presents the optimized search results to the user.*)

b) formulating a query for information to be supplied to a user by transforming data obtained from at least one real-world entity into an electronic representation of the real-world entity by way of said data capture device (*See column 4, lines 1-7, The personal assistant device automatically digitizes (transforming data to an electronic representation) and processes the input data, and further automatically formulates a query... The contextual multimedia*

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*association applies the query to numerous data stores, optimizes the search results, and then presents the optimized search results to the user);*

c) retrieving information from said network-based, information-provider based on the query (*See column 6, lines 1-5, explores the World Wide Web by retrieving a document.*); and

d) presenting the information by way of a user-output interface (*See column 8, lines 53-63, displays the preliminary results to the user by means of an appropriate output device 330, such as a liquid crystal display (LCD), an audio message, a speaker, a monitor, or any other suitable user interface.*).

5. With respect to the claim 43, Miner further teaches wherein said data-capture device includes an image capture device (*See column 10, lines 42-49, a camera, that captures the desired image.*).

6. With respect to the claim 44, Miner further teaches wherein said data-capture device includes a microphone (*See column 11, lines 17-29, uses a directed microphone as the audio sensor 505.*).

7. With respect to the claim 45, Miner further teaches wherein said data-capture device includes a radio receiver (*See column 7, lines 20-30, cellular radio network 40*).

8. With respect to the claim 46, Miner further teaches wherein said data-capture device includes a data-capture device selected from the group consisting of scent detector, taste sensor, geophone, motion sensor, acceleration meter, wind meter, thermometer, humidity sensor, texture sensor, location sensor, and global positioning system receiver (*See column 3, lines 47-57, various sensors*

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*such as temperature, pressure, humidity, light level, sound, and acceleration sensors,).*

9. With respect to the claim 47, Miner further teaches wherein said data-capture device is integrated into a cellular phone (*See column 7, lines 20-30, cellular radio network 40*).

10. With respect to the claim 48, Miner further teaches wherein said data-capture device is integrated into a device selected from the group consisting of a wireless phone, netphone, personal digital assistant, portable computer, pager, and personal computer (*See column 7, lines 20-30, cellular radio network 40*).

11. With respect to the claim 49, Miner further teaches wherein said network-based information-provider is implemented as a network-based dedicated server configured to perform data-processing on data of the electronic representation of real-world entities by said data-capture device (*See column 4, lines 10-25, Information access based on data acquired from real objects*).

12. With respect to the claim 50, Miner further teaches said at least one network-based information-provider is selected from the group consisting of a World-Wide- Web site, intranet site, extranet site, database, knowledge-base, search engine, dedicated server and service center (*See column 1, lines 25-37, The World Wide Web (WWW) is comprised*).

13. With respect to the claim 51, Miner further teaches wherein said query being at least one electronic representation of a real-world entity includes

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an image (*See column 1, lines 60-67, a query comprised of an alphanumeric search expression or keywords*).

14. With respect to the claim 52, Miner further teaches wherein said query being at least one electronic representation of a real-world entity includes a sound recording (*See column 4, lines 64-67, whereby sounds, such as animal sounds, are captured*).

15. With respect to the claim 53, Miner further teaches wherein said query being at least one electronic representation of a real-world entity includes an information segment encoded in electromagnetic radiation (*See column 9, lines 30-37, an infrared (IR) (electromagnetic radiation) port, Blue Tooth local area wireless networking protocol*).

16. With respect to the claim 54, Miner further teaches wherein said query being at least one electronic representation of a real-word entity selected from the group consisting of odor, taste, texture, motion, and vibration (*See column 8, lines 33-44, a fingerprint (texture) ultrasonic transducer,*).

17. With respect to the claim 55, Miner further teaches wherein said formulating a query includes fusing data of a plurality of electronic representations of real-world entities captured by said data-capture device (*See column 5, lines 1-6, a user can combine (fusing data) visual information with virtual or invisible information such as GPS. (The examiner would like to state that adding GPS data to image data is fusing data according to the specification (see page 12, lines 4-11, Introduce data-fusion techniques to incorporate additional information to the sensor data ...using GPS technology or using the*

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cellular service provider's information about the device's location, such that a geographical component is added to the captured image)).

18. With respect to the claim 56, Miner further teaches wherein said formulating a query includes fusing data inputted by a user with said at least one electronic representation of real-world entities captured by said data-capture device (*See column 5, lines 1-6, a user can combine (fusing data) visual information with virtual or invisible information such as GPS.* (The examiner would like to state that adding GPS data to image data is fusing data according to the specification (see page 12, lines 4-11, Introduce data-fusion techniques to incorporate additional information to the sensor data ...using GPS technology or using the cellular service provider's information about the device's location, such that a geographical component is added to the captured image)).

19. With respect to the claim 57, Miner further teaches further comprising presenting information retrieved from said information-provider service by way of a user output-device (*See column 8, lines 53-63, displays the preliminary results to the user by means of an appropriate output device 330).*

20. With respect to the claim 58, Miner further teaches wherein said user output device is selected from the group consisting of a visual output device, audio output device, textural output device, motion generator, electromagnetic transmitter, vibrator and scent generator (*See column 8, lines 53-63, displays the preliminary results to the user by means of an appropriate output device 330 such as a liquid crystal display (LCD), an audio message, a speaker, a monitor,).*



21. With respect to the claim 59, Miner further teaches comprising alerting a relevant party in response to the information retrieved from said network-based information-provider according to instructions inputted by a user by way of said user- input interface (*See column 11, lines 17-28, input device 111 is shown (alerting) acquiring audio signals from an audio search such as a bird, to illustrate an audio search capability of the system 10 and see Fig. 10, Search Result (alerting)).*

22. With respect to the claim 60, Miner further teaches A portable, network-enabled information retrieval device comprising:

a) a portable, data-capture device for generating electronic representations of real-world entities (*See column 3, lines 59-67 and see column 4, lines 1-7, a personal assistant device, and a contextual input device. In use, the contextual multimedia association module accesses the Internet (a network-enabled) and downloads web documents (retrieve information from a network) to a metadata repository... The user captures input data about an object or item of interest by means of the contextual input device.... The personal assistant device automatically digitizes (electronic representation) and processes the input data;*

b) a network interface (*See column 7, lines 9-20, computers such as computers 35, 37, 39, and a variety of other interface devices.*); and

c) a processor, said processor being configured to generate network queries for retrieving information from a network containing information-provider, said query being at least one electronic representation of a real-world entity captured by said data-capture device (*See column 8, lines 19-27, an input*

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*processor 305 and See column 4, lines 1-7, The personal assistant device automatically digitizes (transforming data to an electronic representation) and processes the input data, and further automatically formulates a query... The contextual multimedia association applies the query to numerous data stores, optimizes the search results, and then presents the optimized search results to the user).*

23. With respect to the claim 61, Miner further teaches wherein said data-capture device includes an image capture device so as to be an image-based search engine. (*See column 1, lines 25-37 Internet search engines to retrieve information*).

24. With respect to the claim 62, Miner further teaches wherein said data-capture device includes a microphone so as to be an audio-based search engine (*See column 11, lines 17-29, uses a directed microphone as the audio sensor 505*).

25. With respect to the claim 63, Miner further teaches wherein said data-capture device includes a radio receiver of information segments encoded in electromagnetic transmissions (*See column 7, lines 20-30, cellular radio network 40*).

26. With respect to the claim 64, Miner further teaches wherein said data-capture device includes a data-capture device selected from the group consisting of scent detector, taste sensor, geophone, motion sensor, acceleration meter, wind meter, thermometer, humidity sensor (*See column 3, lines 47-57,*

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*various sensors such as temperature, pressure, humidity, light level, sound, and acceleration sensors).*

27. With respect to the claim 65, Miner further teaches wherein said data-capture device is integrated into a cellular phone (*See column 7, lines 20-30, cellular radio network 40.*).

28. With respect to the claim 66, Miner further teaches wherein said data-capture device is integrated into a device selected from the group consisting of a wireless phone, netphone, personal digital assistant, portable computer, pager, and personal computer (*See column 7, lines 20-30, cellular radio network 40.*).

29. With respect to the claim 67, Miner further teaches wherein said query being at least one electronic representation of a real-world entity includes an image (*See column 1, lines 60-67, a query comprised of an alphanumeric search expression or keywords*).

30. With respect to the claim 68, Miner further teaches wherein said query being at least one electronic representation of a real-world entity includes a sound recording (*See column 4, lines 64-67, whereby sounds, such as animal sounds, are captured*).

31. With respect to the claim 69, Miner further teaches wherein said query being at least one electronic representation of a real-world entity includes an information segment encoded in electromagnetic radiation (*See column 9, lines 30-37, an infrared (IR) port, Blue Tooth local area wireless networking protocol*).

32. With respect to the claim 70, Miner further teaches wherein said query being at least one electronic representation of a real-world entity selected from the group consisting of odor, taste, texture, motion, and vibration (*See column 8, lines 33-44, a fingerprint (texture) ultrasonic transducer,*).

33. With respect to the claim 71, Miner further teaches wherein said processor being further configured to fuse data of a plurality of electronic representations of real world entities obtained by said data-capture device (*See column 5, lines 1-6, a user can combine (fusing data) visual information with virtual or invisible information such as GPS. (The examiner would like to state that adding GPS data to image data is fusing data according to the specification (see page 12, lines 4-11, Introduce data-fusion techniques to incorporate additional information to the sensor data ...using GPS technology or using the cellular service provider's information about the device's location, such that a geographical component is added to the captured image).*

34. With respect to the claim 72, Miner further teaches said processor being further configured to fuse data inputted by way of a user input-interface with data of said electronic representation of real world entities obtained by said data-capture device (*See column 5, lines 1-6, a user can combine (fusing data) visual information with virtual or invisible information such as GPS. (The examiner would like to state that adding GPS data to image data is fusing data according to the specification (see page 12, lines 4-11, Introduce data-fusion techniques to incorporate additional information to the sensor data ...using GPS*

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technology or using the cellular service provider's information about the device's location, such that a geographical component is added to the captured image)).

35. With respect to the claim 73, Miner further teaches wherein said network-based information- provider is implemented as a network-based dedicated server configured to perform data-processing on data of the electronic representation of real-world entities by said data-capture device (*See column 3, lines 59-67, installed on a server,,*).

36. With respect to the claim 74, Miner further teaches said at least one network-based information-provider is selected from the group consisting of a World-Wide- Web site, intranet site, extranet site, database, knowledge-base, search engine, dedicated server and service center (*See column 1, lines 25-37, The World Wide Web (WWW) is comprised*).

37. With respect to the claim 75, Miner further teaches further comprising presenting information retrieved from said information-provider service by way of a user output-device (*See column 8, lines 53-63, displays the preliminary results to the user by means of an appropriate output device 330*).

38. With respect to the claim 76, Miner further teaches wherein said user output device is selected from the group consisting of a visual output device, audio output device, textural output device, motion generator, electromagnetic transmitter, vibrator and scent generator (*See column 8, lines 53-63, displays the preliminary results to the user by means of an appropriate output device 330 such as a liquid crystal display (LCD), an audio message, a speaker, a monitor*).

39. With respect to the claim 77, Miner further teaches wherein said processor being configurable to alert a relevant party in response to the information retrieved from said network-based information-provider according to instructions inputted by a user by way of said user- input interface (*See column 11, lines 17-28, input device 111 is shown (alerting) acquiring audio signals from an audio search such as a bird, to illustrate an audio search capability of the system 10 and see Fig. 10, Search Result (alerting)*).

### ***Conclusion***

40. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FARRUKH HUSSAIN whose telephone number is (571)270-5652. The examiner can normally be reached on Monday-Thursday, Alt. Friday, 7:30 A.M-5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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41. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/F. H./  
Examiner, Art Unit 2444  
03/29/2011

/Yemane Mesfin/  
Primary Examiner, Art Unit 2444